Supreme Court, U.S.
FILED

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No.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1993

RACHAEL V. SANTOS,

Petitioner,

vs.

MARVIN T. RUNYON,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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69 pp

QUESTIONS PRESENTED

1. Did the Ninth Circuit Court of Appeals misapprehend and misapply the proper clearly erroneous legal standards in reviewing the U.S. District Court Findings of Fact and Conclusions of Law judgment, that were fatally inconsistent, illogical, and clearly erroneous and both Courts confused material facts and disregarded a classical point of law, namely, the plaintiff's burden of proof of defendant's (employer) motive in a Title VII retaliation case, especially when the allegation of insubordination was concocted by both Godinez and Montoya **after** they removed petitioner from her job?

2. Can the U.S. District Court's, Findings of Fact and Conclusions of Law, that were found to be valid in this case at bar, listed in: Appendix E, Facts 20, 23 and Key 5, 7, and 8 (a)(b)(c),and proved a prima facie case of reprisal in this Title VII discrimination case, then be reversed by the U.S. District Court , on the *same exact findings of fact and preponderance of evidence*, and contradict it's own findings listed in: Appendix E, Law, 12, 13, 14, that denied Plaintiff her job restoration, when she was clearly the most qualified applicant and when in fact, the Court found that the employer lied, was inconsistent and found unworthy of belief and it's retaliatory motives were pretext and sham?

3. Can this Court restore the 20 year old *Mc Donald Douglas v. Green*, three-step process framework and the classic *Burdine*, legal standard, established by this court and used by all the Federal Courts to resolve claims of intentional discrimination in Title VII cases, that this Court recently over turned in *St. Mary's v. Hicks*, and re-examine this issue again, as said decision is contrary to the basic principals of Title VII and the Civil Justice System, to allow employers to lie and place onerous requirements on victims of intentional discrimination?

PARTIES TO THE PROCEEDINGS

Petitioner, Rachael V. Santos, In Pro Se, is the only party seeking review of the Ninth Circuit Appeals Court orders and the U.S. District Court, Findings of Fact and Conclusions of Law Judgment. The caption of this Petition for Writ of Certiorari reflects all parties to the proceedings.

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PETITION FOR WRIT OF CERTIORARI
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To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Petitioner Rachael V. Santos, in Pro Se, respectfully prays that a Writ of Certiorari be issued to review the District Court's Findings of Fact and Conclusions of Law, Judgment filed on December 9, 1991 and the Unites States Court of Appeals for the Ninth Circuit Affirmed Judgment, non published order, filed on September 13, 1993 and the Ninth Circuit Order, denying and rejecting, plaintiff's Petition for Rehearing and Suggestion for Rehearing en Banc.

Said order was filed on November 1, 1993.

OPINIONS BELOW

Plaintiff, prevailed on two of the three issues that were before the Appeals Court. The U.S. Attorney frivolously argued, the issue of plaintiff's appeal timeliness. The Appeals court ruled that Plaintiff was timely and that the court had jurisdiction over this appeal. The next frivolous argument made, concerned the notice of appeal , the appeal court found that the technical defect of plaintiffs name not written in on one line in the appeal notice form was an example of "imperfect but substantial compliance with a technical requirement". On the third, main Title VII claim issue, the appeals court ruled that they found no basis in the record for concluding the District Court's findings were clearly erroneous. and affirmed the District Court. Those opinions are attached in Appendix A,B,C.

The U.S. District Court dismissed the Postal Service's motion to dismiss and the case proceeded to trial. The court ruled in favor of petitioner on her first claim of retaliation in being terminated from her temporary promotion position as Women's Program Coordinator, awarding her costs and attorney fees and back pay with interest at the legal rate, amounting to the difference between her level -15 pay and level-17 pay, she should have received from October, 1982

to October, 1984, after her two year promotion position was terminated. The Court ruled against petitioner on her second claim of retaliation when she was not selected for the permanent position of Women's Coordinator in 1984.AER 16,17, Appendix D, E.

JURISDICTION

Petitioner was the Plaintiff in this case in the U.S. District Court Central District, who had the proper jurisdiction, pursuant to the remedying provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e- et seq. and pursuant to Title 28, U.S.C. §§1331(a) and 1343(4).and Title I, Civil Rights Act of 1991,§ 102.(a)(1). Petitioner was the Plaintiff/Appellant in the Ninth Circuit Court of Appeals. The jurisdiction of the Court was invoked pursuant to 28 U.S.C.§1291 and Rules 1,3, and 4 of the Federal Rules of Appellate Procedure, governing appeals by right from the District Court to the Court of Appeals. A timely notice of appeal was filed with the Court of Appeals and the case was argued and submitted on July 12, 1993, the court issued a denial memorandum, non published judgment that was filed on September 13, 1993. Petitioner timely filed her petition for Rehearing and Suggestion for Rehearing En Banc, on September 27, 1993. On November 1, 1993, the Ninth Circuit Court handed down it's response

and order denying Petition for Rehearing and rejecting Suggestion for Rehearing En Banc (attached herein as Appendix A). As per Supreme Court Rule 13.4, this Writ of Certiori petition is timely filed with the U.S. Supreme Court clerk by U.S. Mail and postmarked within the ninety days of the last denial order made by the United States Court of Appeals for the Ninth Circuit on November 1, 1993. Petitioner, requests this Court to grant review on Writ of Certiorari, on the legal questions presented, based on Supreme Court Rule 10.1(a):

> When a United States Court of Appeals has rendered a decision in conflict with the decision of another United States Court of Appeals on the same matter; or has decided a federal question in a way in conflict with a State Court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision.

This Court's jurisdiction is invoked under 28 U.S.C. Section 1254 (1).

STATUE INVOLVED

Title VII, Civil Rights Act of 1964, as amended, 42 U.S. Code Sections 2000, et seq. 29 C.F.R.§ 1613.261: *Provides that it is unlawful to discriminate against a person*

because he or she filed a charge of discrimination or because of any opposition to an unlawful employment practice.

STATEMENT OF THE CASE

This is a Title VII reprisal employment discrimination case, that arose due to the unlawful discrimination acts of intentional retaliation committed by respondent, employer (agency) United States Postal Service, against petitioner, Rachael V. Santos, for promoting equal employment opportunity in conjunction with her duties as Women's Program Coordinator, a protected activity under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq.[AER 22] Petitioner alleged two major violations of her rights; *first,* when she was unlawfully terminated from her two year temporary promotion position as Women's Program Coordinator at the Sequoia District, due to the Postal Service's reaction to purportedly controversial remarks made by feminist Gloria Steinem at a employee seminar arranged by petitioner. The U.S. District Court found that a prima facie case had been proven in this case and granted relief to petitioner. This issue was not appealed by the Government and was not an issue on appeal, nor is this issue before this court, only the second, issue, is on review by this Court concerning the permanent

promotion position of Women's Program Coordinator, level 17, when petitioner was not selected on July 16, 1984. Petitioner was the most highly qualified candidate and the person selected was a level 5 clerk with less than five years of postal service and a high school drop out. The agency violated it's own postal regulations in this promotion case. AER 23-25,126

The background and facts in this case are rather succinctly set for in the U.S. District Court Statement of Facts in Appendix E.

REASONS FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI

The Ninth Circuit affirmed order made in this case on 9-13-93, is simply wrong because the U.S District Court record of evidence does in fact show and prove that both Godinez and Montoya lied, concerning the allegation of insubordination and in fact the District Court's own Findings of Fact,No. 7, page 8, AER 13, Appendix E, states that it was Godinez's July 20, 1984 affidavit that alleged that plaintiff failed to perform the functions of the position in an acceptable manner is contradicted by the evidence, wherein plaintiff received high praise(by Godinez and Montoya) for implementing the women's seminar for defendant. The allegation that plaintiff disregarded authority or was

insubordinate because she failed to give her supervisor (Montoya) a financial accounting, of the seminar in a timely manner were made after plaintiff was terminated from the position. Therefore, the Court found that this reason was not a legitimate nondiscriminatory reason for Plaintiff's termination as indicated by Godinez's January 25, 1985 affidavit which repudiated his July 20, 1984 affidavit. Findings of Fact No. 8, AER 14, Appendix E, found pretext for reprisal: (a) The inconsistency in testimony between Godinez and Montoya makes defendant's reasons unworthy of belief; (b) Criticism against plaintiff by the affidavits of Godinez and Montoya were made after plaintiff's position was terminated indicating it was more likely that discriminatory reasons motivated defendant; and key fact (c), paragraph two, AER 14, lines 24-26, and Appendix E. "Accordingly , the Court finds that plaintiff has shown by a preponderance of the evidence that defendant retaliated against plaintiff in violation of Title VII when defendant terminated plaintiff's temporary promotion to Women's Coordinator in September 1982."

These same exact facts are then contradicted by the court in Findings of Fact number 12, " Prior to 1984, the plaintiff filed an EEO complaint of which Mr. Godinez was aware. Mr. Godinez had been named as one of the alleged discriminating officials. Mr. Godinez credibly testified that his reason for not selecting the plaintiff for Women's

Coordinator in July 1984 were her prior insubordination to Mr. Montoya, and his belief that such insubordinate behavior was unacceptable. Mr. Godinez considered the plaintiff was not a "team player" and could not be trusted in the position based on her prior behavior regarding the files." This is where the District court clearly erred and confused the already accepted facts. There never was any insubordination commited by plaintiff, nor was plaintiff ever charged with an adverse action of insubordination, nor was she ever informed of such allegation , what is important for this court to see is the fact ,that the allegations are all made AFTER plaintiff filed her complaint of discrimination. The incident characterized by Mr. Godinez as insubordination, both at trial, RT 263:16-20. and in his affidavit of July 20, 1984, ER 69, Mr. Montoya, described the finance issue as, insignificant .RT 195:19-21. Mr. Montoya also stated in his affidavit of July 20, 1984, he had many reasons for taking disciplinary action against petitioner, but he did not do so, he indicated that all he wanted was the materials back and to let petitioner go on with her career, also in his affidavit, he stated he never informed petitioner that she could or would ever be disciplined, AER 73 and that as far as he knew, she returned all the records in her possession. AER 74, RT 195 and AER 75,77. Mr. Montoya testified that the financial records were turned in about a week. RT 194: 22-24

There was a stipulation made at the EEOC hearing that, petitioner had properly accounted for and turned over to her successor an interest, Mr. Montoya, that all funds connected with the Steinem seminar that were non- postal funds. AER 138 .

In addition to this, there is also further evidence in the EEOC RT 266 and 267, page 267 states, "Mr. Stark, speaks to Mr. Deapen(agency rep.), If you want to get right down to it, your investigator, and Mr. Montoya and Mr. Godinez, knew to an absolute certainty that their statement was false in saying that she hadn't submitted her report in a timely fashion because they had this in their hot little hand, and you are trying to take advantage of your own misconduct in making that argument of theirs fly."

Generally, stipulations entered into freely and fairly are not to be set aside except to avoid manifest injustice. *Fairway Const, Co. V. AllState Modernization, Inc.*, 495 F.2d 1077 (1974).

Petitioner contends that both courts did not give proper legal credence to said stipulation. This court may reverse findings of fact by a trial court where clearly erroneous. *U.S. v. Gypsum Co.*, 333 U.S. 364 395 (1948). Rule 52(a) of the Rules of Civil Procedure, states, that when a finding of fact by the trial court is "clearly erroneous" when, although there is evidence to support it, the reviewing court

on the entire evidence is left with the definite and firm conviction that a mistake has been committed. In this case the testimony was so conflicting, it's clearly erroneous.

The court record simply does not support the Ninth Circuit Court's conclusion that the trial court considered and rejected only Mr. Montoya's testimony, Appendix C No.(4), that Ms Santos was insubordinate as a basis for removing her from the job. Rather, the trial court primarily relied on Mr. Godinez's testimony on the issue of insubordination, and found it to be sham, as the trial court's Findings of Fact demonstrate, in particular , Conclusions Nos. 7 and 8 (a),(b), and (c),Apendix E.

Both courts further confused the real evidence in the record, Mr. Godinez alleges to have stated that petitioner was not a team player, well this fact just goes out the window because Mr. Godinez, testified before Judge Hatter to the following statement that vindicates this allegation and it places it where it belongs as a pretext and lie. Mr. Foster asks Mr. Godinez the following question, Now in another of your meetings, you accuse Ms. Santos of not being a team player, Is that correct, sir?, Mr. Godinez ,responds, not to my knowledge, counselor. RT 281:14-17

The evidence in the court record clearly controverts all allegations against petitioner, in fact said evidence show that she was a team player, a leader who conducted one of the largest conferences in the history of the agency and inspired

her peers and even after said program petitioner also planned another Affirmative Action and Hispanic Heritage program and received a commendation from MSC Manager Reginal F. Martin and most important for the Court to note is the commendation from the Regional Postmaster Mr. Joseph Careveo, who enjoyed himself in being able to sit-down, relax and discuss postal issues with rank and file personnel. AER 86,55,56 and 142. The key evidence to end this case is AER 82, where both Hector Godinez and Mr. Montoya both commend petitioner for her "teamwork" and as the individual who headed the team responsible for the Districts achievement. A special luncheon was also given to petitioner at Knotts Berry Farm. A quick comparison between AER 89,90,91,92,93, which is petitioners qualifications speaks for itself, to that of AER 94, 95,96,97.

The U.S.District Court primarily relied in its findings of fact on Mr. Godinez's testimony that Ms. Santos was insubordinate, and rejected it. Trial Court decision, Conclusion No.7, AER 14:1-6.Appendix E

The record does not support the Postal Service's argument that it was only Mr. Montoya the trial Court relied on to make its determination that the defendant had retaliated against Ms. Santos when its officials, Messrs. Godinez and Montoya, had removed her from the position of Women's program Coordinator. Both men had concocted the insubordination defense after they removed Ms. Santos from

her job. Petitioner states, "concocted "because the trial court ruled that the defense was sham:

"Criticism against plaintiff by the affidavits of Godinez and Montoya[including the "insubordination accusation'] were made after plaintiff's position was terminated it was more likely that discriminatory reasons motivated defendant;..." Conclusion No. 8(b),AER 14:16-18. Further, Montoya backed off at trial about the incident calling it "insignificant and conceding that petitioner had properly accounted for the funds. The trial court ruled in favor of Ms. Santos on her retaliation claim that both Messrs. Montoya and Godinez removed petitioner from the temporary position of Women's Program Coordinator in retaliation for putting on a Women's program involving Ms. Steinem as a speaker. The Court specifically found in AER, 13-14, Fact No. 7, Appendix E, "Defendant's reason for terminating Plaintiff's position as articulated by Godinez in his July 20, 1984 affidavit that plaintiff failed to perform the functions of the position in an acceptable manner is contradicted by the evidence wherein she received high praise for implementing the Women's seminar for defendant. The allegations that plaintiff disregarded authority or was insubordinate because she failed to give her supervisor a financial accounting of the seminar in a timely manner were made after plaintiff was terminated from the position. Therefore, the Court finds that this reason was not a

legitimate nondiscriminatory reason for plaintiff's termination as indicated by Godinez's January 25, 1985 affidavit which repudiated his July 20, 1984 affidavit." The Court then ruled in petitioners favor on the claim that her removal from the job was retaliation for presenting the Women's Program with Ms. Steinem as a speaker. AER 14. At this point, then, the trial court had adjudicated Mr. Godinez (and Mr. Montoya) to be retaliatory in their state of mind toward Ms. Santos. Yet in ruling on the retaliation for non selection to the position of Women's Program Coordinator, the Court reversed itself and ruled that Mr. Godinez was credible: "...Mr. Godinez credibly testified that his reason for not selecting the plaintiff for the Women's Coordinator in July 1984 were here prior insubordination to Mr. Montoya, and his belief that such insubordinate behavior was unacceptable.." AER 15, Fact No. 12. This makes absolutely no sense. The trial court had just rejected the defense of insubordination made by Mr. Godinez (and Mr. Montoya) for the two men removing her from the job.

Then, in a complete 360 degree turn around, Mr. Godinez's belief of insubordination served as a credible reason for not selecting Ms. Santos for the Women's Program Coordinator job. The trial court rejected Mr. Godinez's (and Mr. Montoya's) claim of insubordination when Mr. Godinez (and Mr. Montoya) removed petitioner from the job, but accepted Mr. Godinez's claim of

insubordination when Mr. Godinez (and Mr. Montoya) refused to put her in the job permanently. The Trial Court was correct in its factual findings, that it was Mr. Godinez who insisted on calling petitioner insubordinate, and the record supports these findings. It is just that the court reversed itself on the burden of proof, finding Mr. Gondinez's belief that petitioner was insubordinate pre textual when it came to removing her from the job, but sincere and credible when it came to keeping her out of the job. The Ninth Circuit accepted the factually-erroneous argument of the Postal Service and its attorney that it was Mr. Montoya who the trial Court relied on with respect to the removal action, and Mr. Godinez, with respect to the non selection action.

At oral augment, Judge Hall stated that she admitted that "there seems to be an inconsistency". Appendix C, No.2 Judge Gibson appeared to be concerned about the relative qualification of Ms. Santos and the selected employee Herrera, and hit the nail right on the head, that the agency indeed had retaliated against petitioner. Appendix C, No.30-36. Judge Kleinfeld stated that it appeared to him that the Circuit Court Judge thought Santos' employers were lying about the temporary position but not about the permanent position, and it appeared that the District Court Judge drew a distinction between Godinez whom he did not believe, and

Montoya whom he did (actually, the Trial Court did not believe Montoya or Godinez on the removal and then believed Godinez on the non selection on the same defenses).The U.S. Attorney devoted a great deal of her argument to the "insubordination" defense as if it were a fact established against petitioner at trial, and was in the Court of Appeals to reverse a finding that she was insubordinate. She also misstated the court record, RT 109:14-25, in fact vindicates petitioner, because she answered, "No, Ma'am not in the manner you have asked me the question."
The Governments witness also finally vindicates petitioner of the allegations made, by the Government itself, in RT 172:24-25 and 173:1-5, "Question, and indeed Ms. Santos did file a timely accounting with respect to the funds, isn't that correct, ma'am? Answer, I can't really answer that because I don't know when that happened, question, in other words, you don't know?, Answer, I was not present, correct.", See Appendix C No.27, completely refutes said statement. In addition, Ms. Engelbrecht did not even know that the funds were non postal, RT 172 and worse she never paid Ms. Steinem the money, RT 171, the money was wrongfully spent, yet no was ever fired for theft and the agency tried to cover up this fact,as further misconduct, they withheld the original EEO exhibits that were presented to the Administrative Judge, Jill Klein, when the recommended finding of discrimination was made on both issues, which

was a complete vindication. The evidence included a video of the seminar, that was viewed and said video vindicates petitioner, because it shows that she indeed did perform her duties and even received an ovation from the audience, petitioner brought this fact to the courts attention in her motion for new trial and said motion was denied on the bases it would prejudice the Government. The agency ordered that there would never be any more major conferences and Godinez did receive repercussions from former Postmaster General Bolger and that was what really happened in this case, and petitioner suffered discrimination as a result of such acts. RT 252:3-8,279:12-20 and EEOC RT 187:8-25,188:1-114,411:20-25, key are RT 122:16-25 and RT 123:1-25.

Judge Kleinfeld, appeared to adopt this argument, commenting that petitioner had held "money hostage" for the things she allegedly wanted for the women's program and other things. The question presented to this Court is whether one characterizes petitioners conduct as "insubordination" or as Judge Kleinfeld did, "holding money hostage", (which was absurd) the trial Court found that the defense based on that conduct by both Mr. Montoya and Godinez for removing petitioner from her job was a sham and then immediately accepted it as a valid defense for not selecting her for the very same job. The directly-contradictory conclusions placed petitioner in a no-win

situation. Petitioner won on the insubordination defense with respect to the temporary job, but lost on the insubordination defense with respect to the permanent job.

The Government did not cross appeal, and therefore this Court of last review must accept as binding that the insubordination defense, like the other defenses, proffered by both Messrs.. Montoya and Godinez were sham and pretext for retaliation. Petitioner did not have to rehash the factual disputes concerning this defense because she won. However, the trial court said that Mr. Godinez was truthful when he said he would not place petitioner in the job permanently because she was insubordinate, which forces petitioner to then prove she was not insubordinate.

The Ninth Circuit affirmed order made in this case is contrary to it's own decisions and it is necessary to secure or maintain uniformity in the case relied on by the Court in it's opinion affirming the trial Courts decision in, *Norris v. City and County of San Francisco,* 900 F,2d 3126, 1329 (9th Cir. 1990). "A Title VII plaintiff may show pretext, either directly by persuading the court that a discriminatory reason more likely motivated the employer or indirectly by showing that the employer's proffered explanation is unworthy of credence." The bottom line as pointed out in Norris, 900 F.2d at 1331, "...[I}s whether Norris' rejection, when it occurred, was then actually motivated by illegal discrimination, not whether the City could thereafter

articulate some hypothetical nondiscriminatory reason for its decision,]" The trial Courts conclusion itself that the insubordination defense and other defenses offered by the defendant's witnesses was pretext for removing petitioner from the temporary position provided petitioner the discriminatory reason for not selecting her two years later for the job Messrs. Godinez and Montoya had removed her from and given the previous conclusions of the Court that both Mr. Godinez and Montoya were not credible witnesses and their defense of insubordination was pretexual, and therefore, had retaliated against petitioner two years before by removing her from her two year promotion position. Mr. Godinez's and Mr. Montoya's refusal to select her for a position two years later for the same reasons are as a matter of law, tainted with impermissible retaliation, The Ninth Circuit also pointed out in , *Freightways, Inc. v. Stafford,* 217 F.2d 831, 835 (9th Cir. 1955), "In considering a situation where facts found are in irreconcilable conflict it is the duty of the appellate court to accept those which are most favorable to the appellant." Petitioner won, and then that win was undone by the contradictory finding that Mr. Godinez had become credible in testifying to facts the court had just adjudicated non credible. The Ninth Circuit's affirmed order is in conflict with the 1st Circuit's case in, *Hutchstat v. Wooster Foundation,* 425 F.Supp/ (318 District of Massachusetts, 1976) affirmed by the 1st Circuit, 545

F.2d 222 (1976) in which the prima facie cases established by showing that (1) the Complainant engaged in a protected activity, (2) the employer was aware of it, (3) the employee suffered an adverse action or discipline in some form and, (4) within such period of time that discrimination may be inferred the closer in time, the stronger the inference.

In this case petitioner engaged in protected activity and was removed from her position within a matter of days. In the case of, *Texas Dept. of Community Affairs v. Burdine, 450* U.S. 248, 252,254-56 (1981). The court reaffirmed its previously announced views that the defendant in a Title VII case bears the burden of proving by a preponderance of the evidence the existence of legitimate nondiscriminatory reasons for the employment action and the defendant also must prove by objective evidence that those hired or promoted were better qualified than plaintiff. In *Anderson v. Bessemer City, North Carolina,* 470 U.S. 564,573,575 (1985). When documents or objective evidence may contradict the witness's story; (as Godinez) or the story itself may be so internally inconsistent or implausible on its face that a reasonable fact finder would not credit it. The Ninth Circuit did not do this in this case of clear error and this Court can make remedy. On page 577, of said case, this Court was not concerned with the Fourth Circuits clearly erroneous interpretation of the facts, but whether the District

Court's finding was clearly erroneous. Also in the case of *Mc Allister v. United States,* 348 U.S. 19,20-21 (1954).

Petitioner's last question to the Court on the ruling in St. *Mary's Honor Center v. Hicks,* No. 92-602 (6-25-93), can only be resolved with this Court or by Congress. Petitioner respectfully asks the Court to correct the fatal blow to petitioners who are subjected to losing their case because the agency lied, makes no sense at all. I can only hope to God that my case my be worthy to be picked by this court to correct the error made in said case. Petitioner asks that the *Mc Donnel Douglas Corp. v. Green,* 411 U.S. 792,805 (1973), legal framework be restored to up hold Title VII and offer true "Equal Justice Under Law".

CONCLUSION

For all the foregoing reasons, this Court should issue a Writ of Certiorari to review the clearly erroneous, Affirmed Order and Final Judgment of the United States Court of Appeals for the Ninth Circuit and the clearly erroneous Findings of Fact and Judgment of the U.S. District Court Central District.

DATED: January 28, 1994
Respectfully submitted,

RACHAEL V. SANTOS
Petitioner,

By Rachael V. Santos
RACHAEL V. SANTOS
In Pro Se